

## REMARKS

The Office Action dated October 7, 2009 concluded as follows for the subject application:

- Claims 26-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter; and
- Claims 1-6 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Noneman (U.S. Patent No. 5,887,252); and
- Claims 7, 17, 21-22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noneman (U.S. Patent No. 5,887,252) in view of Brunet (U.S. PGPub. No. 2004/0203755 A1); and
- Claims 8-10, 18-20, 23-25, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noneman (U.S. Patent No. 5,887,252) in view of Oommen (U.S. PGPub. No. 2003/0103484 A1).

Claims 26-29 have been amended to address the rejection under 35 U.S.C. 101. Support for the amendments can be found on page 6, line 28 – page 7, line 3.

Independent claims 1 and 11 have been amended to state in part, “determining at the device a type of multicast content”. Support for these amendments can be found on page 8, lines 20-22 of the application. Also, independent claims 22 and 26 have been amended to state in part, “identification field specifying a multicast flow type”.

Claim 1 recites in relevant part,

receiving at a device a multicast message flow comprising content and a flow identification;  
**determining at the device a type of multicast content from multicast identification information that comprises a part of the flow identification;** and  
passing the flow to an appropriate content processing entity.

The Examiner asserts that the bolded section of the above quotation of claim 1 prior to this amendment is anticipated by the disclosure in Noneman at column 4, lines 30-53. However, Noneman discloses in part at column 4, lines 31-39:

Included in the origination message is a SPECIAL\_SERVICE indicator field and an associated SERVICE\_OPTION field to hold the numeric value of the service option requested. When the SPECIAL\_SERVICE field is set to 1 the SERVICE\_OPTION field will hold a 16 bit value. A particular multicast service will be assigned a unique service option number.

As is evident, the disclosure in Noneman does not suggest or disclose “determining at the device a type of multicast content” as claim 1 states. The “SERVICE\_OPTION” in Noneman simply indicates whether or not there is a multicast, and if yes then Noneman merely discloses, “A particular multicast service will be assigned a unique service option number.” (Noneman column 4, lines 36-38) If there were a value set for the “SPECIAL\_SERVICE” and “SERVICE\_OPTION” fields there would still be no way to determine “a type of multicast content” as claim 1 recites because Noneman has no disclosure or suggestion as to differentiating multicast content by type. The service option number is unique per multicast and so does not differentiate any multicast types. Therefore, since Noneman clearly does not anticipate claim 1, it is in condition for allowance.

Independent claim 11 recites similar subject matter to that of claim 1. For the reasons stated above with respect to claim 1, Noneman also does not anticipate independent claim 11. Claim 11 is patentable and should be allowed.

With respect to claim 22, the Examiner asserts that Noneman-Brunet disclose, “a data structure comprising fields that include a type identification field specifying a flow type. (Noneman; SERVICE\_OPTION);...” (emphasis in original) However, Noneman defines SERVICE\_OPTION at column 4, lines 33-38 stating, “when the SPECIAL\_SERVICE field is set to 1 the SERVICE\_OPTION field will hold a 16 bit value. A particular multicast service will be assigned a unique service option number.” As is evident, Noneman does not suggest or disclose “specifying a *multicast* flow type” as claim 22 recites, and as argued above for claim 1. Assigning “a unique service option number” is not analogous to “specifying a multicast flow type.” Additionally, Brunet is not able to cure this shortfall. Brunet discloses a “Mobile Care Framework” and does not contain multicast flow. (Abstract) Therefore, claim 22 is not rendered obvious by Noneman-Brunet and is in condition for

allowance.

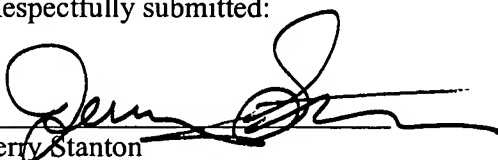
Independent claim 26 recites similar subject matter to that of claim 22. For the reasons stated above with respect to claim 22, neither Noneman nor Brunet individually or in combination render obvious independent claim 26. Claim 26 is patentable and should be allowed.

Furthermore, Noneman in view of Oommen does not cure the above mentioned shortfalls. Neither Noneman nor Oommen, individually or in combination disclose or suggest, "specifying a multicast flow type" or "determining at the device a type of multicast content" as stated in claims 22 and 1, respectively.

In that all of the independent claims are clearly allowable, then all of the dependent claims are also clearly allowable for at least this one reason alone.

The Examiner is respectfully requested to reconsider and remove the rejections of the claims under 35 U.S.C. 101, 35 U.S.C. 102(b), and 35 U.S.C. 103(a), and to allow all of the pending claims as now presented for examination. The undersigned representative welcomes the opportunity to address any further matters, formal or otherwise, for which the Examiner has a concern.

Respectfully submitted:

  
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<u>12-22-2009</u>	<u>Jessica Ber</u>
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